

Todd, this may help answer some potential questions during the Open House of 1/30/2014

EPA is currently searching for Potential Responsible Parties (PRP(s)).

- First, EPA attempts to identify PRPs as early as possible.
- Second, EPA will encourage PRPs to do the work at a site.
- Third, if EPA believe the PRP is willing and capable of doing the work, EPA will attempt to negotiate an enforcement agreement. This type of agreement may take the form of an Administrative Order on Consent (AOC).
- Fourth, if a settlement could not be reached, EPA can se its authority to issue a unilateral administrative order or directly file suit against the PRP(s).
- Fifth, if the PRP(s) do not perform the response action or no PRP(s) are available, the EPA will undertake the work, EPA will file suit against the PRP(s) when practicable.

The enforcement process will lead to the completion of the Remedial Investigation/Feasibility Study, this determines the nature and extent of contamination, evaluate risks, tests whether certain technologies are capable of treating the contamination, and evaluates the cost and performance of technologies that could be used to clean up the site.

## How EPA and ODEQ involve the public in cleanup decisions.

- A TAG grant is available to a local citizen's group to hire a technical advisor to interpret site studies and/or site-related health information for area residents.

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## **Information of what are PRP(s)?**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) imposes liability for the costs of actions taken to respond to the release or threatened release of hazardous substances. Potentially Responsible Parties (PRPs) may be held liable for acts that occurred prior to CERCLA's enactment in 1980.

## **Who are the liable parties?**

CERCLA Section 107 designates four classes of liable parties:

- **Current owners and operators** - parties who own or operate a vessel or facility.
- **Past owners and operators** - parties who owned or operated the vessel or facility at the time of disposal.
- **Arrangers** - generators and other parties who arranged for the disposal or transport of hazardous substances.
- **Transporters** - parties who accepted hazardous substances for transport and who selected the site.

## **Why the PRP search?**

The identification of PRPs that may be liable under CERCLA is the primary purpose of the PRP search.

EPA is committed to ensuring that those who are responsible for hazardous waste sites take the lead in cleanup, when appropriate, throughout the Superfund cleanup process. This "Enforcement First" approach has proven to be effective at increasing the number of PRP-lead Remedial Action starts at non-Federal facility sites.

## **What if I am a residential homeowner? I am a party? A liable party? A PRP?**

In July 1991, EPA released its "Policy Toward Owners of Residential Property at CERCLA Sites," which states that enforcement actions generally will not be taken against owners of residential property located on Superfund sites. A potential exception to this policy would be if a homeowner's activities resulted in a release of a hazardous substance.

## **Other Discretionary Policies on Liability (Owners of Property Above Contaminated Aquifers)**

Generally, where hazardous substances have come to be located on or in a property solely as the result of subsurface migration in an aquifer from a source or sources outside the property, EPA will not take enforcement action against the owner of such property to require the performance of response actions or the payment of response costs.